IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10884 OF 2004

Shri Dhulappa Sanganbasappa Bake. ... Petitioner
v/s.
The State of Maharashtra & ors. ... Respondents

Mr.S.G.Kudle for petitioner.

Mr.C.R.Sonawane, AGP for res.Nos.1 to 3.

Mr.S.C.Halli for res.No.4.

CORAM : H.L. GOKHALE &
SMT.R.S.DALVI, JJ.

DATE : 26th October 2005

ORAL ORDER : (Per H.L.Gokhale, J.)

1. Heard the learned Counsel the parties.

2. This Petition seeks to challenge the running of the school by respondent No.4 at Akkalkot. The petitioner is a citizen whose contention is that this school at Akkalkot is a defunct school and should not be allowed to run any more. Inasmuch as Mr.Kudle is the Counsel appearing for the petitioner in this matter as well as the connected matter i.e. Writ Petition No.4267 of 2005, we have noted the commonality of the interest in the two Petitions. Writ Petition No.4267 of 2005 is filed by one Dnyansagar Shikshan Prasarak Mandal to challenge the shifting of this respondent No.4-school from Akkalkot to

Korsegaon. This is on the footing that this Dnyansagar Shikshan Prasarak Mandal is running its school at Korsegaon and its running should not be disturbed. By a separate order passed by us in Writ Petition No.4267 of 2005, we have quashed and set aside the order passed by the Government permitting shifting of this respondent No.4-school from Akkalkot to Korsegaon by Government's order dated 5th May 2005. This being the position, we asked Mr.Kudle appearing for the petitioner, as to whether the petitioner is still keen in proceeding with the present Petition i.e. Writ Petition No.10884 of 2004. Mr.Kudle submitted that instead of any order being passed by this Court, the interest of the petitioner will be satisfied if appropriate decision is taken by the Authorities of the Government.

3. In view of this statement of Mr.Kudle, we do not think that any further order is necessary on this Petition. The petitioner has made some representation to the State Government and to the Deputy Director of Education. It is for them to look into it and decide it in accordance with law.

4. Petition stands disposed of. No order as to costs.

(H.L. GOKHALE, J.)

(SMT. R.S.DALVI, J.)